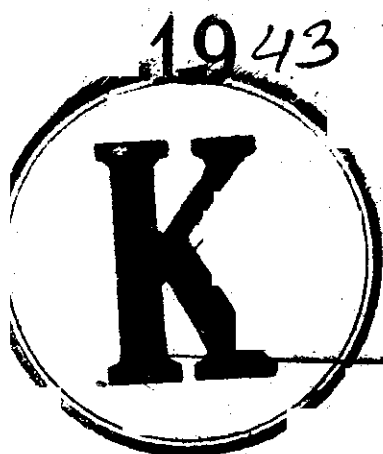




File No. Mines II/43
Legal Deptt

B BRANCH

Subject:-

Rules and Notifications

under the Indian Mines
Act, 1923

P
(E)

File No. Mines II/43

Gen. 194 e.

275B

Office of the R.L.A.

It appears that the mines of Kaolin (China Clay) were first exempted under section 46 of the Indian Mines Act, 1923, from the operation of the Act by Government of India. Notification No. M-1051 dated 26th July 1924. The Government of India Notification No. 1051, dated 20-1-1938 which is now in force no longer exempts Kaolin mines from the operation of the Act. The only effect of this notification is that the manner in which these mines are to be worked will be governed by the provisions of the Indian Mines Act, 1923. The question whether kaolin should be treated as a "minor mineral" or not by the Provincial Government for any of its own purposes is not affected by the Government of India Notification of 1938 and it will be open to the Provincial Government to continue to treat it as a minor mineral for the purpose of rule 6 of the Bombay Mining Concession Rules, 1941, which are non-statutory (see R.L.A.'s opinion No. 3863 dated the 29th July 1937). If the Provincial Government in view of the Government of India Notification of 1938 decides to treat Kaolin as an important mineral and no longer as a minor mineral for the purpose of the said rule 6, R.D. should prepare a mining lease in this case and send it, if necessary, to the Solicitor in Legal Department for scrutiny.

Sd/- P.N.M.
27-4

Remembrancer of Legal Affairs.
U.R. to R.D. No. 3095, dated the 27th April 1943.

"True copy - Original papers being of
bad quality - Destroyed"

Sd/-
Superintendent,

D Branch, Legal Department.

12/10/43
11/11/43